

REMARKS

In the Final Office Action,¹ the Examiner rejected claims 1-3, 5, and 6 under 35 U.S.C. § 102(b) as being anticipated by Kawanishi (U.S. Patent No. 6,643,542, “Kawanishi”). Claims 1-3, 5, and 6 are pending.

Applicant respectfully traverses the rejection of claims 1-3, 5, and 6 as being anticipated by Kawanishi. In order to properly establish that Kawanishi anticipates the claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, (Fed. Cir. 1989).

Kawanishi fails to teach each and every element recited in claim 1. For example, Kawanishi fails to discloses “a belt including a plurality of pairs of electrodes configured to contact a surface of the body” (emphasis added), as recited in claim 1.

The Examiner alleges that “Kawanishi discloses a display equipment (10) . . . comprising inter alia: a belt (e.g. the elongated region defined by elements 1 and 9 having a plurality of pairs electrodes (3a, 3b, 3c, 3d, 6a, 6b, 6c, and 6d) (as best seen in Figures 1 and 2) for contacting the surface of the body (column 4 line 47 - column 5 line 12 and column 5 lines 25-64) (as best seen in Figure 1).” Final Office Action at page 2. Applicant notes that it is unclear exactly which elements of Figs. 1 and 2 form “the elongated region defined by elements 1 and 9” which the Examiner alleges as

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

corresponding to the claimed “belt.” For the purpose of responding to this Final Office Action, Applicant assumes that in citing an “elongated region defined by elements 1 and 9” in Fig. 1 of Kawanishi, the Examiner means the solid case that holds electrodes 3a, 3b, 3c, and 3d; key input portion 4; and display portion 5 of operation panel 1, and the “electrode sustaining portion 8” which is provided with electrodes 6a, 6b, 6c, and 6d of base portion 9 (col. 5, line 25).

However, the solid case that holds electrodes 3a, 3b, 3c, and 3d, and the electrode sustaining portion 8 of Kawanishi cannot constitute the claimed “belt.” Indeed, as described in Applicant’s specification, “[t]he electrode belt 103 is shown in FIG. 3 and can be used with wrapping on the body (abdomen) of the user M.” Paragraph [0043]. The solid case that holds electrodes 3a, 3b, 3c, and 3d, and the electrode sustaining portion 8 of Kawanishi cannot be “configured to contact a surface of the body” and, thus, cannot constitute the claimed “belt.”

Moreover, no other portions in Kawanishi disclose the claimed features including “a belt including a plurality of pairs of electrodes configured to contact a surface of the body” (emphasis added), as recited in claim 1.

Further, Kawanishi discloses that “[b]ody fat ratio, body fat mass, and body water mass are obtained by data processing based on the body impedance as the body information.” Col. 7, lines 34-36. However, Kawanishi does not disclose “means for calculating at least one of values of bone weight and muscular weight of the body on the basis of the measured impedance and said personal information put into the display equipment” (emphasized added) as recited in claim 1. In fact, Kawanishi provides no

disclosure whatsoever of calculating bone weight or muscular weight, as recited in claim 1.

Since Kawanishi fails to disclose each and every element of claim 1, Kawanishi does not anticipate claim 1. Thus, claim 1 is allowable and claims 2, 3, 5, and 6 are also allowable due to their dependence from claim 1. The Examiner should withdraw the rejection of these claims under 35 U.S.C. § 102(b).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

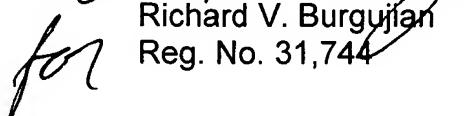
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Robert E. Converse, Jr.
Reg. No. 27,432

Dated: January 14, 2010

By: 
for 
Richard V. Burgujian
Reg. No. 31,744